

BEFORE THE STATE TAX APPEAL BOARD
OF THE STATE OF MONTANA

LON T. & BARBARA HOLDEN,)	DOCKET NO.: PT-1997-164
)	
Appellant,)	
)	
-vs-)	FACTUAL BACKGROUND,
)	CONCLUSIONS OF LAW,
THE DEPARTMENT OF REVENUE)	ORDER and OPPORTUNITY
OF THE STATE OF MONTANA,)	<u>FOR JUDICIAL REVIEW</u>
)	
Respondent.)	

The above-entitled appeal was heard on January 20, 2000, in the City of Missoula, Montana, in accordance with an order of the State Tax Appeal Board of the State of Montana (the Board). The notice of the hearing was duly given as required by law.

The taxpayer, Lon Holden, presented testimony in support of the appeal. The Department of Revenue (DOR) was represented by Appraiser James Lennington. Testimony was presented, exhibits were received and a schedule for post hearing submissions was established. The Board then took the appeal under advisement; and the Board having fully considered the testimony, exhibits and all things and matters presented to it by all parties, finds and concludes as follows:

FACTUAL BACKGROUND

1. Due, proper and sufficient notice was given of this matter, the hearing hereon, and of the time and place of the hearing. All parties were afforded opportunity to present evidence, oral and documentary.
2. The taxpayer is the owner of the property which is the subject of this appeal and is described as follows:

Lot 86, Seeley Lake Shoresites, Missoula County, State of Montana, and the improvements located thereon. Geo Code #04-2540-03-2-01-07-0000.
3. For the 1997 tax year, the DOR appraised the subject property at a value of \$68,543 for the land and \$58,557 for the improvements.
4. The taxpayer appealed to the Missoula County Tax Appeal Board on November 1, 1997, requesting a reduction in value to \$33,345 for the land and \$23,855 for the improvements, stating:

The comparable sales upon which the Reappraisal values are based are not comparable. Furthermore, the subject property has major deficiencies, including but not limited to:

1. No water/sewer.
2. High groundwater table which precludes septic systems per county regulations.
3. Flooding because of elevation and location.
4. Lake frontage which is essentially unusable because of shallowness and vegetation growth.
5. Deteriorated condition of improvements.
6. Subdivision of properties directly across C Street from subject property which lessens privacy and recreational appeal, as well as increases trespass by others to gain waterfront access.

5. In its December 24, 1997 decision, the county board adjusted the value of the property, stating:

The Depart. of Revenue has adequately and properly reflected value changes (in both directions) of the improvements or lack thereof in its appraisal determination and this is supported by the comparable sales information. There was no sales data supplied of comparably situated land (with similar deficiencies). The Board finds a land value of \$55,000 to be closer to market value.

6. The taxpayer appealed that decision to this Board on January 22, 1998, stating:

The Missoula CTAB failed to appropriately reduce the appraised value set by the Department of Revenue for both the land and the improvements.

7. The values before this Board are those established by the county board and those requested by the taxpayer.

8. At the time of the scheduled hearing, the DOR was not prepared to offer testimony with respect to the value determination of the subject property. The Board allowed the record to remain open for an extended period of time allowing the DOR the opportunity to answer questions as to the value determination. The DOR's responded to the Board's questions on February 14, 2000. The taxpayer was also given the opportunity to respond to the DOR post-hearing submission by February 29, 2000. The questions the DOR was ordered to answer are:

The Board "Orders" the Department of Revenue to answer and/or provide the following:

1. Provide the Computer Assisted Land Pricing (CALP) model used in valuing the subject property.

2. Provide the following land sales data for the CALP sales:
 - Sale location
 - Sale price
 - Sale date
 - Property dimensions, i.e. lake frontage & depth, square footage, acreage.
3. Explain how the 35% adjustment factor was determined and provide supporting documentation.
4. Explain if and how the Department of Revenue made adjustments to the subject property's land value for presence of flooding and the physical characteristics of the beach (shallow & foliage).
5. Provide a copy of the property record card for the subject property.
6. Provide copies of the property record cards for the comparable properties selected by the Computer Assisted Mass Appraisal System (CAMAS) in determining the market value for the subject property. Photo copies the residences photograph on file.

TAXPAYER'S CONTENTIONS

Mr. Holden testified that the subject property is located on the south side of Seeley Lake, has 100 feet of lake frontage, the structure is a recreational cabin, and the property was purchased in January, 1985. The subject property does not have access to municipal services, i.e., water and sewer. The property is served by an outhouse. The taxpayer was informed by county officials that a septic and drain field could not be permitted due to high water or flood potential.

The cabin has remained unfinished over the years, i.e., windows not framed-in and exterior siding incomplete.

Mr. Holden testified that the DOR's 1997 market value determination more than doubled from the previous appraisal

cycle. In his opinion, the improvement value should have been less since nothing has been done to the structure to enhance its value.

In the previous appraisal cycle the land value was adjusted downward 35% for septic restrictions. This adjustment has been applied to the property for the current cycle. The taxpayer met with the DOR in September of 1997. During this AB-26 property review process, the taxpayer was informed that the land was valued at \$1,000 per front foot prior to the 35% adjustment for septic restrictions

Base Market Value	\$105,000
Septic Restriction Adjustment - 35%	<u>x 35%</u>
Market Value	\$ 68,250

Mr. Holden testified that the requested values for the land of \$33,345 and \$23,855 for the improvements are the value determinations that the DOR had established in the previous appraisal cycle. Mr. Holden testified that he requested the DOR's supporting documentation for the land value. This information was requested during the AB-26 property review process and again at the county board's hearing. To date, this information has not been provided. The subject property has received an adjustment for septic restrictions, but there is no evidence of further consideration or adjustments to the value for flooding or that the beach area is less desirable due to the plant growth and shallowness.

Taxpayers' exhibit #1 is the DOR's "Montana Comparable Sales". In pertinent part to the taxpayers' testimony, this exhibit illustrates the following:

	Subject	Comp #1	Comp #2	Comp #3	Comp #4	Comp #5
Neighborhood Group		Condon	Timberlane			Big Sky Lake
Land Description						
Frontage	100	0	0	0	0	152
Depth	200	0	0	0	0	150
Total Acres	.58	2.5	4.83	.60	.60	.55
Dwelling Description						
Bathrooms	0	1	1	1	1	1
Grade	5	5	5	5	5	5
CDU	Av	Av	Av	Av	Av	Av
Pricing Data						
Land Value	\$68,543	\$25,150	\$26,726	\$15,947	\$15,947	\$105,003
Valuation						
Sale Date		7/93	9/94	2/94	9/93	6/95
Sale Price		\$70,000	\$93,300	\$77,500	\$72,000	\$145,000
Comparability		70	72	79	80	91
Market Value	\$127,100					
Indicator		Adj.		Adj.	Adj.	

Mr. Holden testified that of the five comparable properties, comparable #5 is the only property with lake frontage. Mr. Holden did indicate that he is unaware if this property is affected by the same septic restrictions as the subject property. It was his understanding that these are the properties that were used to establish the land value for his property.

With regards to the improvement, Mr. Holden was informed by the DOR during the AB-26 property review process, that the structure has been classified as a "grade 5." Based on Mr. Holden's recollection of this meeting, he was told that the

"grade 5" determination may be somewhat high when reviewing photographs. He was told that the grade could be reduced by one grade, and this would result in an approximate value reduction of \$5,000 to the improvements. When the AB-26 Property Review Form was returned to the taxpayer, no adjustment was made. The AB-26 Property Review Form was signed by Ron Pierson, DOR appraiser, on 10/9/97 stating: "I appreciate your concern regarding the increase in value. After review of neighboring properties, (*which weren't identified then and haven't been to date - Holden testimony*) the market indicates a 1997 appraisal of \$127,100 is fair and equitable."

Mr. Holden contends that there is nothing to suggest that the properties illustrated on exhibit #1 are comparable. The subject property is a recreational cabin and the properties on exhibit #1 appear to be superior with respect to potential use. Mr. Holden testified that this cabin has an inferior quality of construction than would be reflect through the DOR's grade 5 determination. This property, in its current state, cannot be occupied year-round. The structure lacks an indoor bathroom and, as previously mentioned, sanitary services are provided for by use of an outhouse. The use of this outhouse has been grandfathered.

Mr. Holden stated that the property has flooded three times since he has owned it, with the worst flooding having occurred in 1996.

Mr. Holden testified that he was under the impression at the time of purchase that he would have the ability to install a drain field and septic system. In addition, he anticipated that services, e.g., water and sewer, would be extended from the point they are now located. To date, nothing has changed.

Mr. Holden testified to plans of a new subdivision in the immediate vicinity. He indicated that there is the potential for increased activity that could detract from the value of the subject property.

DOR'S CONTENTIONS

The DOR evidence and testimony came into the record by means of a post hearing submission dated February 7, 2000, and the record that was created before the county tax appeal board.

The DOR was instructed to answer the following question with respect to the land value:

1. Provide the Computer Assisted Land Pricing (CALP) model used in valuing the subject property.
2. Provide the following land sales data for the CALP sales:
 - ◆ Sale location
 - ◆ Sale price
 - ◆ Sale date
 - ◆ Property dimensions, i.e. lake frontage & depth, square footage, acreage.

Summarized, the DOR's land value model and corresponding explanation states the following:

BASE SIZE (FF) 100 MONTHLY RATE OF C 1.42%
 BASE RATE \$1,050*
 ADJ. RATE \$300*

#1	#2	#3	#4	#5	#6	#7	#8	#9	\$10	#11	#12	#13	#14	#15	#16	#17	#18	#19
		GeoCode		Sale Date MM	Sale Date YY	Months From 1/96	Lot FF	Size Depth	Depth Adj.	Sale Price	Assessed Value	SP/A V Ratio	Reg. Ratio	Dpth./Tim. Adj. Price	Adj Per FF	Regress Value	CALP Value	Adj PRC/ CALP
4	Seeley	04254003206030000		6	94	-19	95	320	1.26	\$124,000	\$46,600	2.66	2.57	\$124,960	\$1,315	\$104,110	\$103,500	1.207
5	Placid	04254020203210000		7	94	-18	95	252	1.12	\$142,000	\$49,448	2.87	2.62	\$159,187	\$1,676	\$104,110	\$103,500	1.538
6	Placid	04254029101220000		10	93	-27	98	400	1.41	\$141,300	\$70,116	2.02	2.17	\$138628	\$1,415	\$104,938	\$103,500	1.328
2	Seeley	04254003102190000		5	93	-32	100	250	1.12	\$79,600	\$45,550	1.75	1.92	\$103,361	\$1,034	\$105,490	\$105,000	0.984
3	Seeley	04254003204150000	Vac.	6	94	-19	100	320	1.26	\$110,000	\$46,400	2.37	2.57	\$110,852	\$1,109	\$105,490	\$105,000	1.056
1	Salmon	04243509301070000		12	94	-13	100	378	1.37	\$146,050	\$32,270	4.53	2.87	\$126,282	\$1,263	\$105,490	\$105,000	1.203
20	Cygnnet	04287213203030000	Vac.	12	92	-37	100	214	1.03	\$72,000	\$48,107	1.50	1.67	\$106,624	\$1,066	\$105,490	\$135,000	1.015
15	Big Sky	04254129103090000		6	95	-7	110	221	1.05	\$111,900	\$38,156	2.93	3.17	\$117,163	\$1,065	\$108,250	\$257,100	1.085
11	Big Sky	04254128202270000		8	95	-5	148	292	1.21	\$197,900	\$42,434	4.66	3.27	\$175,164	\$1,184	\$118,736	\$124,800	1.467
18	Big Sky	04254129301130000		9	95	-4	150	750	1.94	\$148,500	\$49,160	3.02	3.32	\$80,894	\$539	\$119,288	\$121,500	0.674
12	Big Sky	04254129101090000	Vac.	10	93	-27	150	645	1.80	\$67,500	\$46,460	1.45	2.17	\$52,020	\$347	\$119,288	\$119,400	0.433
17	Big Sky	04254129301070000		9	95	-4	155	541	1.64	\$110,300	\$45,244	2.44	3.32	\$71,076	\$459	\$120,668	4133,500	0.585
10	Placid	04254029101250000	Vac.	11	92	-38	166	230	1.07	\$110,000	\$54,140	2.03	1.62	\$158,268	\$953	\$123,703	\$125,700	1.268
8	Placid	04254029101230000	Vac.	7	95	-6	168	275	1.17	\$135,000	\$59,558	2.27	3.22	\$125,214	\$745	\$124,255	\$125,400	0.999
7	Placid	04254029101230000	Vac.	11	92	-38	168	275	1.17	\$110,000	\$59,558	1.85	1.62	\$144,741	\$862	\$124,255	\$104,400	1.154
9	Placid	04254029101240000	Vac.	12	92	-37	169	213	1.03	\$105,000	\$52,589	2.00	1.67	\$155,494	\$920	\$124,531	\$125,400	1.237
13	Big Sky	04254129102050000	Vac.	9	92	-40	170	465	1.52	\$52,500	\$45,406	1.16	1.52	\$54,155	\$319	\$124,807	\$120,000	0.430
16	Big Sky	04254129204070000	Vac.	9	92	-40	195	530	1.63	\$75,000	\$53,177	1.41	1.52	\$72,143	\$370	\$131,706	\$108,000	0.540
19	Lndbrg	04287213201050000	Vac.	6	92	-43	200	179	1.03	\$67,500	\$48,107	1.40	1.37	\$105,543	\$528	\$133,086	\$120,000	0.782
14	Big Sky	04254129101210000		6	93	-31	607	200	1.00	\$188,400	\$103,600	1.82	1.97	\$271,321	\$447	\$245,399	\$126,000	1.055

- a. Column #2 specifies the lake where the sale took place.
- b. #4 indicates a vacant land sale by VAC. All others are “abstracted values” (value of improvements removed).
- c. #7 indicates the number of months prior to our 1-96 Base Year.
- d. #s 8 and 9 indicate the “frontage” and “depth”.
- e. #10 reflects the negative adjustment to arrive a 200’ depth.
- f. #s 11, 12 and 14 provide the math of a time adjustment (a regressed comparison between current sales and prior cycle values).
- g. #15 reflects a time adjustment and the downward adjustment to a 200’ depth.
- h. #17 is the adjusted sale regression (the influence from all sales on each individual adjusted lot sale)
- i. #18 shows the use of the CALP model (\$1050 for the 1st 100 feet of frontage, plus remaining frontage @ \$300 FF).
- j. #19 compares the adjusted price to the CALP value.

Board questions #3 and #4:

3. Explain how the 35% adjustment factor was determined and provide supporting documentation.
4. Explain if and how the Department of Revenue made adjustments to the subject property's land value for the presence of flooding and the physical characteristics of the beach (shallow & foliage).

The DOR's reply:

The 35% adjustment applied to the subject lot reflects sale from a prior cycle where a septic permit was not allowed. It was the only such sale involving such restrictions and was also characterized by periodic standing water and a similar beach. I believe I provided Mr. Holden with this information in 1997.

Property record cards for the subject property and the five comparable properties illustrated on exhibit #1 were also submitted.

BOARD'S DISCUSSION

The taxpayers' testimony that comparable sale #5 is the only property with lake frontage is undisputed. Based on the property record card for this property, there is nothing to suggest that this property is adversely impacted by septic restrictions. The land value has not been adjusted by a influence code factor.

The five properties illustrated on taxpayers' exhibit #1 were selected by CAMAS to determine the value for the subject structure. The value determination for the land is imported into CAMAS (Computer Assisted Mass Appraisal System), from a separate analysis, CALP, (Computer Assisted Land Pricing).

42.18.109, ARM, RESIDENTIAL REAPPRAISAL PLAN (6) Residential

lots and tracts are valued through the use of computer assisted land pricing (CALP) models. Homogeneous areas within each county are geographically defined as neighborhoods. The CALP models will reflect January 1, 1996, land market values.

Typically, the value of the site is estimated by a sales comparison analysis. Sales of comparable vacant parcels are analyzed, and the sale prices are adjusted to reflect differences between the comparable properties and the subject. When sufficient comparable sales are not available, other methods exist for the appraiser to consider. The DOR, in the immediate appeal, presented the CALP model for the established neighborhood that determined the subject's land value. The exhibit illustrates twenty sales, ten of which are identified as being vacant parcels, and ten of which are improved properties. The DOR indicated that, for the improved properties, the method of extraction was used. Appraising Residential Properties, Second Edition, describes the extraction method as "... to value land with the extraction procedure, the appraiser deducts the contributory value of the improvements from the total sale price of each comparable...". The Board's focus will be on the vacant parcels, in view of the fact that so little is known about the improved sales.

The unadjusted price per front foot for the vacant properties is:

Sale #	Lake	GeoCode	Sale Date MM	Sale Date YY	Sale Price	Lot FF	Sale Price Per FF
3	Seeley	04254003204150000	6	94	\$110,000	100	\$1,100
7	Placid	04254029101230000	11	92	\$110,000	168	\$655
8	Placid	04254029101230000	7	95	\$135,000	168	\$804
9	Placid	04254029101240000	12	92	\$105,000	169	\$621
10	Placid	04254029101250000	11	92	\$110,000	166	\$663
12	Big Sky	04254129101090000	10	93	\$67,500	150	\$450
13	Big Sky	04254129102050000	9	92	\$52,500	170	\$309
16	Big Sky	04254129204070000	9	92	\$75,000	195	\$385
19	Lndbrg	04287213201050000	6	92	\$67,500	200	\$338
20	Cygnnet	04287213203030000	12	92	\$72,000	100	\$720

The subject property is located on Seeley Lake, and the DOR's CALP model illustrates one vacant sale that occurred on Seeley Lake for \$1,100 per front foot. Unadjusted, this sale supports the base value of \$1,050 per front foot utilized by the DOR.

Sales #7 and #8 are the same property based on the Geo Code identifier.

Sale #7	\$110,000	11/92
Sale #8	\$135,000	7/95

Based on this one paired sale, it would suggest the property appreciated in thirty two months, 22.73% or .71% per month. The DOR has determined an adjustment for time of .42% per month (CALP model). The intent of this adjustment is to determine what the property would most likely have sold for on 1/1/96.

The taxpayer is asking this Board to value the property the same as it was in the previous appraisal cycle. This previous value was a determination as of 1/1/92. Based on these time adjustments, the value indication from the previous

appraisal cycle, 1/1/92 to the current cycle, 1/1/96, would suggest the following:

Months between appraisal cycle dates	48 months	48 months
Monthly time adjustment	<u>X 1.71%</u>	<u>X 1.42%</u>
Total time adjustment	82.08%	68.16%
Previous cycle value	\$33,345	\$33,345
Total time adjustment	<u>X 88.08%</u>	<u>X 68.16%</u>
Value indication	\$60,715	\$56,073

The county board modified the land value from \$68,543 to \$55,000. The county board's decision doesn't state how the \$55,000 was determined, but the aforementioned discussion supports its value determination.

The taxpayer has requested a value of \$23,855 for the improvements. As previously mentioned, this value is from the previous appraisal cycle.

The DOR's value for the improvements was determined from the sales comparison approach to value. This is illustrated on the post-hearing submission, "Montana Comparable Sales". The taxpayer contends that the DOR's comparable sales are, in fact, **not** comparable with respect to the quality grade determination, the fact that the subject does not have a bathroom, and that only one property is situated on a lake.

The DOR determined the quality of construction to be average. Summarized, the "Montana Appraisal Manual" defines a "Grade Five" as: *"Residences are of average construction built*

with average quality materials and acceptable workmanship. These houses will meet or exceed minimum building codes and the construction insuring agencies. Exterior ornamentation is frequently limited to the front elevation but with an adequate amount of standard quality aluminum or wood sash fenestration. Interior finishes are simple with some inexpensive wallpaper or paneling, doors are medium grade, hollow core with stock hardware. These homes are frequently designed for mass production." The appraisal manual goes on to identify the typical, individual components of a grade five residence. A property may possess components of more than one particular quality grade, but the DOR must ascertain what best represents the property being appraised. Based on everything that was presented to the Board, the structure best represents itself, when considering the "Montana Appraisal Manual", as a residence that is less than average.

In the process of appraising property, CAMAS requires the DOR to determine a CDU (condition, desirability and utility) factor for each residential property. For this property, the DOR determined the CDU to be average. The CDU is a function of the DOR's depreciation determination. The "Montana Appraisal Manual" defines the CDU as: "A composite rating of the overall condition, desirability, and usefulness of a structure; used nationally as a simple, direct, and uniform method of

estimating accrued depreciation.” The appraisal manual further explains the use of the CDU; **47.4.1.2 Age and CDU**, **Age** is reflected as an index of the normal deterioration and obsolescence in a structure which may be expected over the years. **Condition** represents a variable measure of the effects of maintenance and remodeling on a building. **Desirability** is a measure of the degree of appeal a particular building may have to prospective purchasers. **Usefulness** is a measure of the utility value of the structure for the purpose for which it may be used.” The taxpayer testified that the subject property is a recreational property with limited use. The DOR’s appraisal manual does not differentiate between a residential property used as recreational and one that is occupied year-around. In appraising real estate, the appraiser should take into account the individual characteristics of the property. The fact that the subject property doesn’t have indoor plumbing would detract from its appeal or utility. Based on the evidence and testimony, it is the Board’s opinion that the DOR has overstated the CDU determination.

The three typical appraisal techniques for establishing market value are the cost approach, income approach and sales comparison approach. The income approach does not lend itself well for valuing residential property for the reason that these properties are typically not generating income. The DOR

established the market value of the subject from the sales comparison approach (exhibit #1). There are certain indicators illustrated on the "Montana Comparable Sales" that suggest if this method is appropriate or not. If the appraiser determines that the sales comparison approach is not appropriate, then the property can be valued by means of the cost approach to value. The indicators that the appraiser looks to are the "Comparability" indicator, the "Field Control Code" indicator, and the "Indicator", all of which are illustrated on the "Montana Comparable Sales" sheet. For the subject property, these indicators are as follows:

	Subject	Comp #1	Comp #2	Comp #3	Comp #4	Comp #5
Sale Price		\$70,000	\$93,300	\$77,500	\$72,000	\$145,000
MRA Estimate	\$127,590	\$80,857	\$91,509	\$71,990	\$69,777	\$152,468
Adjusted Sale		\$116,732	\$129,381	\$133,100	\$129,812	\$120,121
Comparability		70	72	79	80	91
Field Control Code Indicator	2	Adj.		Adj.	Adj.	

The comparability numbers 70, 72, 79, 80 and 91 are statistical numbers that should be no higher than 150, and they are all well under 150. According to the DOR's Book of General Evidence, a number under 100 indicates good comparability. The lower the number is, the more comparable the property is to the subject property.

The field control code indicator on the comparable sales sheet is 2. This number can range from 1 to 5, with 3 being average. This code is an indicator of variations among the

adjusted sales, and a field code of 2 indicates 5%-10% variation. "For properties more than \$100,000..., a field control code of 2 or less is considered reasonable," according to the DOR's Book of General Evidence.

According to the DOR's Book of General Evidence, "Any comparable over a 50% adjustment between the sale prices and adjusted sale is flagged ***ADJ***."

Two of the three indicators are within acceptable ranges based on the DOR's Book of General Evidence. The question is, will those indicators remain acceptable after modifying the quality grade and the CDU?

The taxpayer testified to the possibility of a new subdivision going ahead in the immediate vicinity that could adversely impact values. There is nothing to suggest that this has happened, and in addition, if this subdivision is established and lots are sold, there is nothing to indicate that values of surrounding properties wouldn't increase.

It is the Board's opinion that based on the evidence and testimony, the market value of the subject property be determined by the cost approach recognizing a quality grade of "4" and a CDU of "fair".

CONCLUSIONS OF LAW

1. The State Tax Appeal Board has jurisdiction over this matter.

§15-2-301 MCA.

ORDER

IT IS THEREFORE ORDERED by the State Tax Appeal Board of the State of Montana that the subject property shall be entered on the tax rolls of Missoula County by the Assessor of that county at the value of \$55,000 for the land. The DOR shall reduce the quality grade of the residence to a "four," reduce the CDU to a fair, and determine the value based on the cost approach to value. The appeal of the taxpayer is therefore granted in part and denied in part, and the decision of the Missoula County Tax Appeal Board is modified.

Dated this 8th of March, 2000.

BY ORDER OF THE
STATE TAX APPEAL BOARD

(S E A L)

GREGORY A. THORNQUIST, Chairman

JAN BROWN, Member

JEREANN NELSON, Member

NOTICE: You are entitled to judicial review of this Order in accordance with Section 15-2-303(2), MCA. Judicial review may be obtained by filing a petition in district court within 60 days following the service of this Order.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 8th day of March, 2000, the foregoing Order of the Board was served on the parties hereto by depositing a copy thereof in the U.S. Mails, postage prepaid, addressed to the parties as follows:

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